

MINUTES
KENTUCKY BOARD OF PHARMACY
Frankfort, Kentucky
June 13, 2001

CALL TO ORDER: A regular meeting of the Kentucky Board of Pharmacy was held at the Board office, 23 Millcreek Park, in Frankfort, Kentucky. President Conyers called the meeting to order at 9:10 a.m.

Members present: William A. Conyers III, Melinda C. Joyce, Becky M. Cooper, Thomas S. Foster, and Joe Carr. Members absent: Georgina Kindall-Jones. Staff present: Michael A. Moné, Executive Director; Jeffrey L. Osman, Pharmacy Inspections and Investigations Coordinator; V. Maxine Snively, Katie Busroe and Philip C. Losch, Pharmacy and Drug Inspectors; Cheryl Lalonde-Mooney, Assistant Attorney General and Board Counsel. Guests: Danna Droz, Drug Control, Cabinet for Health Services; Ralph E. Bouvette and Robert L. Barnett, APSC; Mike Mayes, KPhA; Jan Gould, Kentucky Retail Federation; Brian Lance, Meijer's; Todd Downing, CVS; Michael Whitaker, Summer Addington; Larry Adams, accompanying Jeff VanArsdale; Sandra Foster, Jeff Mills, and Charles Tipton, University of Kentucky College of Pharmacy Student Interns. Melody Curtis, Court Reporter, recorded the meeting.

APPEARANCES: **Jared Combs.** Mr. Combs appeared to petition for reinstatement of his pharmacist's license. Mr. Combs was placed under oath by Ms. Curtis, Court Reporter. Mr. Combs gave a short overview of the cause leading to the loss of his pharmacist's license. President Conyers reviewed the recommendation of the Impaired Pharmacist Committee for reinstatement of license. Dr. Foster moved to reinstate with an Order of Reinstatement for impairment with stipulations as follows: probation for five years; enter into a HELP contract; attendance at either the University of Utah School on Alcoholism and other Drug Dependencies or the Southeastern PRN Meeting within one year; attend AA/NA meetings no less than 4 times per week; engage in the services of CDC/CDAC; no service as pharmacist-in-charge; no power-of-attorney; employment for no more than 40 hours per week or 80 hours in a two-week period; random observed urine/blood screens twice monthly with others as requested by the Board; notification to all employers; notification to the Board of change in employment within five days; Board or Board President's approval of all employers; submission of a signed release for medical records; no dispensing of prescriptions to self or family members; utilize only one pharmacy for prescriptions; notification to the Board of all legend and nonlegend drugs taken within 10 days; monthly self-assessments of progress of professional and treatment developments; quarterly reports by counselors; semi-annual inspections and quarterly self audits at all locations or employment; required to live at Shepherd's House for first six weeks of practice; Order on Reinstatement to be drafted and forwarded to Mr. Combs for his signature and upon its return to be signed by President Conyers. The motion was seconded by Dr. Joyce and passed unanimously.

Jeff VanArsdale. Mr. VanArsdale appeared to petition for reinstatement of his pharmacist's license. Mr. VanArsdale was placed under oath by Ms. Curtis, Court Reporter. Mr. VanArsdale gave a short overview of the cause leading to the loss of his pharmacist's license. President Conyers reviewed the recommendation of the Impaired Pharmacist Committee for reinstatement of license. Mr. Carr moved to reinstate with an Order of Reinstatement for impairment with stipulations as follows: probation for five years; enter into a HELP contract; attendance at either the University of Utah School on Alcoholism and other Drug Dependencies or the Southeastern PRN Meeting within one year; attend AA/NA meetings no less than 4 times per week; engage in the services of CDC/CDAC; no service as pharmacist-in-charge; no power-of-attorney; employment for no more than 40 hours per week or 80 hours in a two-week period; random observed urine/blood screens twice monthly with others as requested by the Board; notification to all employers; notification to the Board of change in employment within five days; Board or Board President's approval of all employers; submission of a signed release for medical records; no dispensing of prescriptions to self or family members; utilize only one pharmacy for prescriptions; notification to the Board of all legend and nonlegend drugs taken within 10 days; monthly self-assessments of progress of professional and treatment developments; quarterly reports by counselors; semi-annual inspections and quarterly self audits at all locations or employment; Order on Reinstatement to be drafted and forwarded to Mr. VanArsdale for his signature and upon its return to be signed by President Conyers. The motion was seconded by Dr. Joyce and passed unanimously.

MINUTES:

On motion by Dr. Joyce, seconded by Mr. Carr and passed unanimously, the Minutes of April 11, 2001 were adopted.

BOARD REPORTS:

President. President Conyers gave a brief statement regarding the NABP meeting held in Seattle. President Conyers reviewed the procedures followed by the Kentucky Impaired Pharmacist Committee to assure the Board that not every impaired pharmacist receives an endorsement.

Executive Director. Dan Yeager Draft Letter. Dr. Foster moved to accept the draft letter to Dan Yeager of MedImpact and directed Mr. Moné to send it. The motion was seconded by Mr. Carr and passed unanimously.

NACDS Conference. Mr. Carr moved that the Board send the President-elect to the annual NACDS meeting. The motion was seconded by Ms. Cooper and passed unanimously.

Dr. Foster moved that the Board President be allowed to attend the NACDS meeting in 2001 and the Board pursue the grant in aid to cover this cost. The motion was seconded by Dr. Joyce and passed unanimously.

2001 NAPLEX Trimester. Mr. Moné stated that the national average on the NAPLEX was 90.25 and the University of Kentucky College of Pharmacy graduates average was 114.75.

Mr. Moné informed the Board that Florida had passed a limited endorsement of pharmacist's license transfer, therefore the Board will need to consider Kentucky accepting reciprocity from Florida on the same terms.

Board Staff. Dr. Osman informed the Board that during inspections inspectors were reviewing the OxyContin article, acetaminophen dosing, and HIV/AIDS continuing education requirements with pharmacists. The website address will be in the June Board Newsletter.

CURRENT/PENDING CASES:

Case No. 99-0164 and Case No. 00-0062. Dr. Joyce moved for acceptance and entry of the proposed Agreed Orders as written. Mr. Carr seconded and the motion passed unanimously.

Case No. 00-0110; Case No. 00-0014; Case No. 00-0133; Case No. 00-0154; Case No. 00-0161; Case No. 00-0163; Case No. 00-0165 Case No. 00-00167; Case No.01-0003; Case No. 01-0005; Case No. 01-0007; Case No. 01-0010; Case No. 01-0012; Case No. 01-0014; Case No. 01-0015; Case No. 01-0019; Case No. 01-0022; Case No. 01-0023; Case 01-0024; Case No. 01-0042. Ms. Cooper moved for acceptance and entry of the proposed Agreed Orders as written. Mr. Carr seconded and the motion passed unanimously.

CASE REVIEW COMMITTEE:

Dr. Joyce moved for acceptance of the following case reports:

Case No. 00-0152. Permit-holder failed to notify the Board office of the person serving as pharmacist-in-charge.
Reconsideration. CRC recommendation: Case is dismissed. Mr. Carr seconded and the motion passed unanimously.

Case No. 01-0026A. Permit-holder failed to be licensed as an "out-of-state pharmacy" while mailing prescriptions to another state. CRC recommendation for Complaint with attempt to resolve through AO. Mr. Carr seconded and the motion passed unanimously.

Case No. 01-0026B. Pharmacist allegedly engaged in unprofessional conduct by committing a medication error. CRC recommendation for Complaint with attempt to resolve through AO. Mr. Carr seconded and the motion passed unanimously.

Case No. 010045. Permit-holder opened a special medical gas pharmacy without a prior inspection by the Board. CRC recommendation for Complaint with attempt to resolve through AO. Mr. Carr seconded and the motion passed unanimously.

Case No. 01-0046. Pharmacist allegedly failed to complete one hour of CHS approved HIV/AIDS continuing education in 2000. However, pharmacist did complete an ACPE approved HIV/AIDS program in 2000. CRC recommendation for Complaint with attempt to resolve through AO. Mr. Carr seconded and the motion passed unanimously.

Case No. 01-0047. Pharmacist allegedly failed to complete fifteen hours of continuing education and failed to complete one hour of CHS approved HIV/AIDS continuing education in 2000. CRC recommendation for Complaint with attempt to resolve through AO. Mr. Carr seconded and the motion passed unanimously.

Case No. 01-0048. Permit-holder failed to notify the Board office of location change prior to relocating. CRC recommendation for Complaint with attempt to resolve through AO. Mr. Carr seconded and the motion passed unanimously.

Case No. 01-0049. Pharmacist allegedly violated previous Agreed Order and failed to complete a CHS approved program in 2000. However, pharmacist did complete an ACPE approved HIV/AIDS program in 2000. CRC recommendation for Complaint with attempt to resolve through AO. Mr. Carr seconded and the motion passed unanimously.

Case No. 01-0050. Pharmacist allegedly failed to complete a CHS approved HIV/AIDS continuing education in 2000. CRC recommendation for Complaint with attempt to resolve through AO. Mr. Carr seconded and the motion passed unanimously.

Case No. 01-0055. Pharmacist allegedly failed to obtain a CHS approved HIV/AIDS program in 2000. However, pharmacist did complete an ACPE approved HIV/AIDS program in 2000. CRC recommendation for Complaint with attempt to resolve through AO. Mr. Carr seconded and the motion passed unanimously.

Case No. 01-0056. Corporation grand opening flyer used the term “pharmacy” without having a valid pharmacy permit issued for the location being advertised. CRC recommendation for Complaint with attempt to resolve through AO. Mr. Carr seconded and the motion passed unanimously.

Case No. 01-0058. Pharmacist allegedly failed to obtain a CHS approved HIV/AIDS program in 2000. However, pharmacist did complete an ACPE approved program in 2000. CRC recommendation for Complaint with attempt to resolve through AO. Mr. Carr seconded and the motion passed unanimously.

Case No. 01-0059. Pharmacist allegedly violated previous Agreed Order and failed to obtain a CHS approved HIV/AIDS program in 2000. However, pharmacist did complete an ACPE approved HIV/AIDS program in 2000. CRC recommendation for Complaint with attempt to resolve through AO. Mr. Carr seconded and the motion passed unanimously.

Case No. 01-0060. Pharmacist allegedly failed to renew pharmacist license by February 28, 2001. CRC recommendation for Complaint with attempt to resolve through AO. Mr. Carr seconded and the motion passed unanimously.

Case No. 01-0061. Pharmacist allegedly violated previous Agreed Order. CRC recommendation for Complaint with attempt to resolve through AO. Mr. Carr seconded and the motion passed unanimously.

Case No. 98-0043. Pharmacist allegedly unable to practice pharmacy with reasonable skill and safety to patients. CRC recommendation: Case is closed. Mr. Carr seconded and the motion passed unanimously.

Case No. 00-0171. Permit-holder failed to timely notify the Board office of a wholesaler closure. CRC recommendation for Complaint with attempt to resolve through AO. Mr. Carr seconded and the motion passed unanimously.

RECIPROCITY/RELICENSURE/INTERNSHIP: The Board discussed the intern whose intern card expired two months into the intern's P4 year.

Preceptors are instructed to make sure that their interns are registered interns and interns are instructed to make sure that their preceptors are registered preceptors. Dr. Joyce moved to deny the 8 months of rotations as internship but as long as the intern meets all the requirements the intern be allowed to take the board exams. Mr. Carr seconded and the motion passed unanimously.

CORRESPONDENCE: **Tzy Ly/Appalachian Regional Healthcare.** The Board reviewed the letter requesting permission for Ms. Ly to serve as the pharmacist-in-charge for both the inpatient hospital pharmacy and the outpatient pharmacy. Dr. Foster moved to approve the request. Dr. Joyce seconded and the motion passed unanimously.

Robert Bunting. The Board reviewed the letter requesting permission for Mr. Bunting to serve as the pharmacist-in-charge for both Baptist Convalescent Center Pharmacy and Healthsouth Northern Kentucky Rehabilitation Hospital Pharmacy. Dr. Joyce moved to deny the request. Mr. Carr seconded and the motion passed unanimously.

Steve Mueller/Burlington Pharmacy. The Board reviewed the letter requesting exemptions for the requirements of equipment and reference material for Med Care Pharmacy and permission for Mr. Mueller to serve as pharmacist-in-charge for both Burlington Pharmacy and Med Care Pharmacy. Dr. Joyce moved to table the motion. Ms. Cooper seconded and the motion passed unanimously.

D & R Pharmacare/Hospice of the Bluegrass. The Board reviewed the letter requesting permission for Hospice of the Bluegrass to store pharmacy records at an off-site location. Dr. Foster moved to approve the request provided the most current two years of pharmacy records be maintained at the permitted site, proper security and environmental conditions be maintained at the alternate site, and the address of the alternate site be provided to the Board office. Dr. Joyce seconded and the motion passed unanimously.

Joan Haltom. The Board reviewed the letter questioning the legality of Paragon Speciality Healthcare, a Kentucky licensed pharmacy located in Texas, selling non-patient specific bulk compounded medicine to physicians in Kentucky. Dr. Foster moved to direct Mr. Moné to file a complaint with the Texas Board of Pharmacy and the FDA, and to send a letter of response to Dr. Haltom. Ms. Cooper seconded and the motion passed unanimously.

Michael Sheets/Hume Pharmacy. The Board reviewed the letter requesting permission for Hume Pharmacy to store pharmacy records at an off-site location. Dr. Foster moved to approve the request provided the most current two years of pharmacy records be maintained at the permitted site, proper security and environmental conditions be maintained at the alternate site, and the address of the alternate site be provided to the Board office. Mr. Carr seconded and the motion passed unanimously.

Michelle Lowe/Lone Oak Compounding Shoppe. The Board reviewed the letter requesting exemptions for equipment and the Category IV reference requirement for Lone Oak Compounding Shoppe and permission for Ms. Lowe to serve as pharmacist-in-charge for both Lone Oak Pharmacy and Lone Oak Compounding Shoppe. Mr. Carr moved to approve the request. Ms. Cooper seconded and the motion passed unanimously. Dr. Joyce recused from vote.

McKesson HBOC. The Board reviewed the letter requesting the Board's assistance to determine if central processing is permitted in Kentucky. Regulation 201 KAR 2:230 Special limited pharmacy-central refill pharmacy, addresses this request.

David Peyton/Peyton's Pharmacy. The Board reviewed the letter questioning the legality and validity of a

prescription faxed from MedImpact to a physician to MedImpact to a pharmacy. Mr. Moné was directed to send Mr. Peyton a copy of the letter to MedImpact.

Tom Ware. The Board reviewed the letter requesting permission for Mr. Ware to serve as pharmacist-in-charge for both SEMC Medical Village Pharmacy and Valley Home Care. Dr. Foster moved to deny the request. Mr. Carr seconded and the motion passed unanimously.

Sherrie Hyman/Whitehead Drug Store, Inc. The Board reviewed the letter requesting an opinion on 201 KAR 2:165 Transfer of prescription information. The Board instructed the next Board of Pharmacy newsletter to address 201 KAR 2:165 in that the name of pharmacist means first and last name.

Jenkins Community Hospital. The Board reviewed the letter requesting permission for Ms. Ella Valera to serve as pharmacist-in-charge for both Rite Aid #2575 and Jenkins Community Hospital Pharmacy. Dr. Foster moved to approve the request for a period of three months beginning June 1, 2001, with Jenkins Community Hospital Pharmacy to be inspected within the three months, the pharmacist-in-charge is to have a plan of action in case of an emergency at the hospital, and no one is to be allowed in the hospital pharmacy absent a Kentucky licensed pharmacist.. Ms. Cooper seconded and the motion passed unanimously.

NABP: The Board members and staff were reminded to make reservations for the District III meeting in August. Kentucky will host the 2002 District III meeting with the time and place to be determined soon.

CONTINUING EDUCATION: Mr. Carr moved to accept the continuing education programs 01-24 through 01-42 as recommended. Dr. Foster seconded and the motion passed unanimously.

OLD BUSINESS: The Board discussed forming a task force on medication errors to be composed of representatives from the Board, APSC, KSHP, KPhA, and University of Kentucky College of Pharmacy faculty and student body.

NEW BUSINESS: **Kentucky Pharmacist Leadership Council.** The council is to discuss the fact that a prescription is valid only if issued by a practitioner licensed in Kentucky. The council is developing ways to improve pharmacists, for example with continuing education. It is suggested to make some continuing education mandatory, such as medication errors continuing education and to develop a structure to accomplish this goal.

Dr. Foster requested that the website become a regular agenda item and that the site be periodically reviewed by the Board.

ADJOURNMENT: On motion by Dr. Foster, seconded by Dr. Joyce and passed unanimously, President Conyers adjourned the meeting at 1:15 p.m. The next Board meeting is scheduled to begin at 9:00 a.m. on July 11, 2001.

Michael A. Moné, Executive Director

MAM:nkb

MINUTES APPROVED: